

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JASON LONG, *Individually and on
behalf of all others similarly situated,*

Plaintiff,

v.

Case No. 1:21-cv-05212-LMM
Defendant's Third Unopposed
Motion for Extension of Time to
Respond to Plaintiff's Complaint

MALONE'S SERVICE AND
PERFORMANCE, LLC,

Defendant.

_____ /

**DEFENDANT'S THIRD UNOPPOSED MOTION FOR EXTENSION OF
TIME TO RESPOND TO PLAINTIFF'S COMPLAINT**

Defendant, Malone's Service and Performance, LLC ("Defendant") by and through their undersigned counsel, respectfully move for a third extension of time up to and including April 20, 2022, for Defendant to answer, move or otherwise respond to Plaintiff's Complaint, and state the following in support:

1. On or about December 21, 2021, Plaintiff filed a Complaint (Doc 1).
2. On or about January 13, 2022, Defendant was served with the Complaint, making the response date February 3, 2022.

3. On or about January 31, 2022, Defendant filed an unopposed motion for extension of time, which was granted, making the deadline to respond February 17, 2022.
4. On or about February 17, 2022, Defendant filed a second unopposed motion for extension of time, which was granted, making the deadline to respond March 21, 2022.
5. The parties are actively discussing potential resolution of this action and seek to conserve the Court's and their own resources by devoting efforts towards resolution. Counsel for Defendant therefore respectfully requests a brief extension of time, up to and including April 20, 2022, for Defendant to respond to Plaintiff's Complaint.
6. This extension is not being sought for purposes of delay, nor will this brief extension prejudice any party to the litigation.
7. The undersigned has discussed the subject matter of this Motion with Plaintiff's counsel, who is not opposed to the relief sought herein.

MEMORANDUM OF LAW

This Court may grant the requested enlargement of time for good cause shown when the request is made before the original time expires. Fed. R. Civ. P. 6(b).

The Defendant's request for an extension of the deadline is made in good faith and does not prejudice Plaintiff. Permitting the extension will enable the parties to

continue exploring the possibility of early resolution. For these reasons, Defendant requests the Court extend the deadline to respond to the Complaint.

WHEREFORE, Defendant Malone's Service and Performance, LLC, respectfully request an extension of time up to and including April 20, 2022, for Defendant to answer, move or otherwise respond to Plaintiff's Complaint.

Dated this 18th day of March, 2022.

Respectfully submitted,
SPIRE LAW, LLC
2572 W. State Road 426, Suite 2088
Oviedo, Florida 32765

By: /s/ Whitney M. DuPree
Whitney M. DuPree, Esq.
Georgia Bar No. 880909
whitney@spirelawfirm.com
sarah@spirelawfirm.com
Attorney for Defendant | Malone's
Service and Performance, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Whitney DuPree
Attorney